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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,298	10/19/2001	Peter T. Barrett	14531.103	2485

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EXAMINER	
CHANG, SHIRLEY	

ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/001,298	BARRETT, PETER T.	
	Examiner	Art Unit	
	Shirley Chang	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10/19/01* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *7/28/03, 5/22/02*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Claim Objections

Claim 27 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. 'Selecting a video segment does not specifically disclose limit the scope of claim 25.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claim(s) 1, 2, 12-13, 15-16, and 24-27 is/are rejected under 35 U.S.C. 102(e) as being anticipated by Schlack et al. (2002/0129368).

As to claims 1, 25, and 27, Schlack discloses:

A method using a computer readable medium, the method comprising: In a video receiver that is coupled to a display device, the video receiver configured to receive a stream that includes a plurality of video segments, a method of the video receiver

targeting the plurality of video segments based on local information accessible to the video receiver and based on remotely issued instructions, the method comprising the following: monitoring state and user behavior characteristics associated with the video receiver ([0278]; [0136]);

locally storing the characteristics ([0247]; fig. 2A, element 250; [0126]);

receiving a plurality of video segment from the stream; receiving executable instructions from the stream, the executable instructions configured to cause the video receiver to select a video segment from among the plurality of video segments based on the locally stored characteristics when the executable instructions are processed by a processor; processing the executable instructions to cause the video receiver to select the video segment; causing the video segment to be displayed on the display device ('plurality of ads on the ad channel with the STB selecting the appropriate ads,' 'comparing the ad profile with the signature profiles on the STB' [0278]; [0122]).

As to claim 2, Schlack discloses:

processing the executable instructions to cause the video receiver to select the video segment comprises processing the executable instructions to cause the video receiver to select a video advertisement; causing the video segment to be displayed on the display device comprises causing the video advertisement to be displayed on the display device ('plurality of ads on the ad channel with the STB selecting the appropriate ads,' 'comparing the ad profile with the signature profiles on the STB' [0278]; [0122]).

As to claim 12,

caching the plurality of video segments as they are received (data that is received at any point in time is effectively 'cached'; 'ads may be delivered ahead of time and stored on the STB' [0278]).

As to claim 13,

releasing the cache memory associate with a particular video segment if the video receiver determines that the particular video segment is not to be displayed (since memory has finite space, video segment that are not used are effectively removed at some point [0278]; [0277]).

As to claim 15,

receiving a plurality of video segment from the video stream comprises: receiving the plurality of video segments from a plurality of video streams; and switching display between the plurality of video streams based on the executable instructions ('plurality of ads on the ad channel with the STB selecting the appropriate ads,' 'comparing the ad profile with the signature profiles on the STB' [0278]; [0122]).

As to claim 16;

the video stream is a unidirectional video stream (video is being sent downstream, and not upstream fig.1).

As to claim 24, Schlack discloses:

video receiver locally stores the characteristics without revealing the characteristics outside of the video receiver (local monitoring and profile generation at the set-top contributes to privacy [0077]).

As to claim 26, Schlack discloses:

the computer-readable medium is one or more physical storage media (see claim 12).

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claim(s) 3-7 is/are rejected under 35 U.S.C. § 103(a) as being unpatentable over Schlack (20020129368) in view of Knudson et al. (20050216936).

As to claim 3,

Schlack discloses:

causing the video segment to be displayed on the display device comprises causing the video segment to be displayed on the display device ('plurality of ads on the ad channel

with the STB selecting the appropriate ads,' 'comparing the ad profile with the signature profiles on the STB' [0278]; the video segment is displayed on the main screen, or a window [0122]).

However, Schlack does not specifically disclose displaying the video segment in a window. Knudson discloses causing the video segment to be displayed on the display device comprises causing the video segment to be displayed on the display device (fig. 15, [0081]; fig. 21, [0092]; fig. 22, [0095]).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schlack with Knudson to display the selected video segment in locations such as fig. 15, element 171 and fig. 22, element 258 so as to present more information and more options on a screen to a user [0004].

As to claim 4,

displaying material outside of the window (see claims 5-7).

As to claim 5,

displaying material outside of the window comprises displaying television programming outside of the window (Knudson et al: program listings are effectively 'television programming' fig. 22, region 262 [0095]).

As to claim 6,

displaying material outside of the window comprises displaying network resources outside of the window (applicant defines network as Web pages 'network resources such as Web pages.' Knudson discloses users ordering information, products, or services through the Internet [0049]).

As to claim 7,

displaying material outside of the window comprises displaying Web content outside of the window (see claim 6).

3. Claim(s) 8-11 is/are rejected under 35 U.S.C. § 103(a) as being unpatentable over Schlack (20020129368) in view of Ching et al. (20010003184).

As to claim 8,

Schlack does not specifically disclose causing a still picture to be displayed on the display device when the video segment is not being displayed on the display device. Ching discloses causing a still picture to be displayed on the display device when the video segment is not being displayed on the display device [0128]. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schlack with Ching so as to allow the user to view an advertisement during wait time of a video stream [0128].

As to claim 9, Ching discloses:

receiving the still picture from the stream [0128].

As to claim 10, Ching discloses:

causing a still picture to be displayed on the display device in the window when the video segment is not being displayed on the display device comprises causing a banner advertisement to be displayed on the display device in the window when the video segment is not being displayed on the display device [0128].

As to claim 11,

Although the Schlack in view of Ching does not specifically disclose the executable instructions are first executable instructions, the method further comprising: receiving second executable instructions from the video stream, the second executable instructions configured to cause the video receiver to select the still picture from among a plurality of still pictures based on the locally stored characteristics when the second executable instructions are processed by a processor; processing the second executable instructions to cause the video receiver to select the still picture, the examiner gives Official Notice that it is notoriously well known in the art to utilize targeted still pictures based on user characteristics. Accordingly, it would have been clearly obvious to one of ordinary skill in the art to modify the Schlack in view of Ching to use targeted still based pictures based on user characteristics, so that the still pictures are more effective, useful and desirable for both the user and marketing entity. These concepts are well known in the art and do not constitute a patentably distinct limitation, per se [M.P.E.P. 2144.03].

4. Claim(s) 14 is/are rejected under 35 U.S.C. § 103(a) as being unpatentable over Schlack (20020129368) in view of Flickinger et al. (20050210502).

As to claim 14,

Schlack does not specifically disclose causing the video segment to be displayed on the display device comprises: causing the video segment to be displayed as the video segment is being received from the video segment, wherein the executable instructions contain a trigger that coordinates the start of display of the video segment with the time that the video segment is received by the video receiver. However, Flickinger discloses causing the video segment to be displayed on the display device comprises: causing the video segment to be displayed as the video segment is being received from the video segment, wherein the executable instructions contain a trigger that coordinates the start of display of the video segment with the time that the video segment is received by the video receiver (Streaming media; there exists instructions which trigger or cue the 'start of display' of the streaming media. Since the media segments can not be displayed before they are received, the 'start of display' is effectively 'coordinated' to display after receiving the segment [0062]; [0075]). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schlack with Flickinger so as to allow the viewer to view the video before it is fully downloaded, as an advantage to systems with low or medium width channels [0062].

5. Claim(s) 17-18, and 21-23 is/are rejected under 35 U.S.C. § 103(a) as being unpatentable over Schlack (20020129368) in view of Thomas et al. (20050251824).

As to claim 17,

Schlack discloses "the profiles are comprised of profile categories, including the categories of preferred programs, preferred networks, viewing duration, channel change frequency, and holding factor per program or program category," [0071] but does not specifically disclose the locally stored characteristics includes channel subscription information.

Thomas discloses the locally stored characteristics includes channel subscription information (since 'each user may set up a profile with a different set of favorite channels,' favorite channels, to which the user is subscribed to is effectively stored as well [0072]).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schlack with Thomas so as to provide an additional criteria to facilitate the delivery of targeted content ([0069]).

As to claim 18,

Schlack discloses "the profiles are comprised of profile categories, including the categories of preferred programs, preferred networks, viewing duration, channel change frequency, and holding factor per program or program category," [0071] but does not specifically disclose the locally stored characteristics include historical information about channels tuned to.

Thomas discloses the locally stored characteristics include historical information about channels tuned to (since 'each user may set up a profile with a different set of favorite channels,' the user has tuned to those channels at some point [0072]; [0069]).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schlack with Thomas so as to provide an additional criteria to facilitate the delivery of targeted content (Thomas [0069]).

As to claim 21,

Schlack discloses "the profiles are comprised of profile categories, including the categories of preferred programs, preferred networks, viewing duration, channel change frequency, and holding factor per program or program category," [0071] but does not specifically disclose the locally stored information includes historical information about advertisements displayed.

Thomas discloses the locally stored information includes historical information about advertisements displayed (fig. 5, elements 106-122; [0052]).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schlack with Thomas so as to provide an additional criteria to facilitate the delivery of targeted content (Schlack [0069]).

As to claim 22,

Thomas discloses:

the historical information about advertisements displayed comprises an identifier identifying at least some of the advertisements previously displayed (fig. 5, element 118, 120; [0052]).

As to claim 23,

Thomas discloses:

the historical information about advertisements displayed comprises a time that the corresponding advertisement was last displayed (fig. 5, element 122; [0052]).

6. Claim(s) 19-20 is/are rejected under 35 U.S.C. § 103(a) as being unpatentable over Schlack (20020129368) in view of Ohkura et al. (6347400).

As to claim 19,

Schlack discloses "the profiles are comprised of profile categories, including the categories of preferred programs, preferred networks, viewing duration, channel change frequency, and holding factor per program or program category," [0071] but does not specifically disclose the locally stored information includes historical information about pay per view purchases.

Ohkura discloses the locally stored information includes historical information about pay per view purchases ([11, 60] to [12, 5]; [14, 66] to [15,2]).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schlack with Ohkura so as to provide an additional criteria to facilitate the delivery of targeted content.

As to claim 20,

Ohkura discloses the historical information about pay per view purchases includes the identification of the last pay per view purchase ([11, 60] to [12, 5]; [14, 66] to [15,2]).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shirley Chang whose telephone number is (571) 272-8546. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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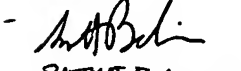

PATENT Examiner
Art Unit 2614